

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow.

No claims are currently being amended. Claims 1-8 remain pending in this application.

Rejections under 35 U.S.C. § 103

Claims 1-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over JP 2002-029332 to Ishimaru ("Ishimaru") in view of U.S. Patent No. 5,713,069 to Kato ("Kato"). Applicant respectfully traverses this rejection for at least the following reasons.

Independent claims 1 and 4 are directed to a fixing device which includes a covering member having a heat accumulating member (claim 1), or heat generating member (claim 4), effectively secured thereto, wherein the covering member is disposed so as to surround the heating roller starting on an end of an effective heat generating area of said heating roller. Ishimaru and Kato fails to disclose at least the covering member arranged as recited in claims 1 or 4.

Ishimaru discloses a heat roller device (title) including an induction heating coil 8 within a metallic pipe 10. In contrast to claim 1, however, Ishimaru fails to disclose or suggest any covering member disposed so as to surround its heat roller starting on an end of an effective heat generating area of the heat roller.

Kato fails to cure the deficiencies of Ishimaru. The Office Action equates the preheating member 30 of Kato with the covering member as claimed. The preheating member 30 of Kato, however, does not surround the fixing roller 10 (heating roller) starting on an effective heat generating area of the fixing roller. Instead, the preheating member 30 is arranged along the entire length of the fixing roller. Thus, if Ishimaru were modified according to the teachings of Kato, the resultant device would not meet the limitations of claims 1 or 4.

Moreover, it would not have been obvious to one skilled in the art to have modified the Ishimaru device to include a preheating member so that it surrounds the heating roller of

of Kato's directly teaching away from a preheating member which covers only end portions. Kato discloses that circular arc-shaped portion 31 of the preheating member 30 is arranged to cover the fixing roller 10 "as widely as possible" (col. 5, lines 38-43). Thus, Kato teaches away from shortening the preheating member 30 so that it surrounds the heating roller starting on an effective heat generating area of the heating roller.

Further, Kato provides no suggestion that the preheating member be used to provide heat to a heating roller to provide uniformity to the heating of the heating roller. The purpose of Kato's preheating member 30 is to carry out preheating without separately providing a new heat source (See col. 6, lines 14-20). Thus, one skilled in the art would not look to the Kato preheating member as a means of providing heating uniformity to a heating roller in light of the lack of suggestion in Kato of using its preheating member for such a purpose. Therefore, one skilled in the art would not have modified Ishimaru in light of the teachings of Kato to arrive at the invention of claims 1 and 4.

The only way to arrive at the invention of claim 1 and 4 in light of the teachings of Ishimaru and Kato, is by way of hindsight reconstruction using applicants' own disclosure as a guide. Such hindsight reconstruction is improper, and claims 1 and 4 are patentable over Ishimaru and Kato.

The dependent claims are patentable for at least the same reasons as their respective independent claims as well as for further patentable features recited therein.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

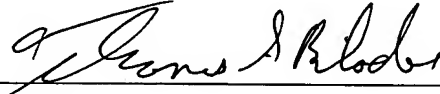
The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 945-6162
Facsimile: (202) 672-5399

Pavan K. Agarwal
Registration No. 40,888

Thomas G. Bilodeau
Registration No. 43,438

Attorneys for Applicant